

Mackil, Molly J. (DNREC)

From: Defriece John R. (DNREC)
Sent: Thursday, September 08, 2011 11:46 AM
To: Davis Glenn F. (DNREC); Underwood Robert (DNREC); Janiga Paul J. (DNREC)
Subject: RE: Allen's Family Foods/Harim

Rob,

There is a TMDL in the Broadkill and federal regs. re. live holding area run-off. Both will affect allowable limits in the re-issued permits.

Below, pasted in the existing 001 limits (the permit is on F: drive, F:\SURFACE WATER\PERMITS\NPDES\ALLEN FAMILY FOODS DE0000299), the TMDL text, and Live Holding area discussion in the Mountaire Selbyville permit (also had live holding issues).

Existing Allens permit only talks about "first flush" holding area run-off (002 and 003?). I am not sure if 002 & 003 loads come out of the total Allens TMDL allocations, or if they come under the 40-75% reductions required by TMDL for "non-point sources". My first guess is that they count as "point sources". I have probably talked about that with Hassan Mirsajadi re. some other permit, but I forget how it turned out.

John

Current Allens Outfall 001 Limits

Parameter	Effluent Limitations						Monitoring Re	
	Load			Concentration			Measurement Frequency	
	Daily Average	Daily Maximum	Units	Daily Average	Daily Maximum	Units		
Flow3	1.25		MGD	--			Continuous	F
pH	The pH shall be between 6.0 S.U. and 9.0 S.U. at all times.					S.U.	Once per day	
Total Residual Chlorine	--	--	--		ND4	--		
BOD5	114.0	227.0	lbs/day	16.0	23.0	--	Once per week	
Total Suspended Solids	152.0	228.0	lbs/day	20.0	23.0	--		
Oil & Grease	68.0	99.0	lbs/day	8.0	14.0	--		
Total Phosphorus (as P)	15.0	23.0	lbs/day		3.0	--		
Ammonia (as N) Summer (Apr-Oct)	20.5	32.0	lbs/day	4.0	4.0	--		
Ammonia (as N) Winter (Nov-Mar)	35	70.0	lbs/day	4.0	8.0	--		

Total Nitrogen (as N)	467.0	574.0	lbs/day	46.0	55.3	--	mg/L	
Enterococcus6	--	--	lbs/day	33.0	--	--	col/100m L	
Biomonitoring								One time7
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum.								

Broadkill TMDL

<http://regulations.delaware.gov/AdminCode/title7/7000/7400/7418.shtml#TopOfPage>

2.0 Total Maximum Daily Loads (TMDLs) Regulation for Broadkill River

Article 1. The **total nitrogen load** from the four point source facilities in the Broadkill River watershed (Town of Milton, Allen Family Foods, Perdue Georgetown, and SAW Georgetown) shall be limited to 245.6 pounds per day. The nitrogen waste load allocation for each facility includes: 36.5 pounds per day for the Town of Milton, **73.0 pounds per day for Allen Family Foods**, 116.8 pounds per day for Perdue Georgetown, and 19.3 pounds per day for SAW Georgetown.

Article 2. The **total phosphorous load** from the four point source facilities in the watershed (Town of Milton, Allen Family Foods, Perdue Georgetown, and SAW Georgetown) shall be limited to 28.0 pounds per day. The phosphorous waste load allocation for each facility includes: 13.1 pounds per day for the Town of Milton, **5.21 pounds per day for Allen Family Foods**, 8.34 pounds per day for Perdue Georgetown, and 1.38 pounds per day for SAW Georgetown.

Article 3. The **enterococcus bacteria load** from the four point source facilities in the watershed (Town of Milton, Allen Family Foods, Perdue Georgetown, and SAW Georgetown) shall be limited to 1.67E+09 colony forming units (CFU) per day. The *enterococcus* bacteria waste load allocation for each facility includes: 4.37E+08 CFU per day for the Town of Milton, **4.73E+09 CFU per day for Allen Family Foods**, 7.57E+09 CFU per day for Perdue Georgetown, and 1.25E+09 CFU per day for SAW Georgetown.

Article 4. The **nonpoint** source **nitrogen load** in the entire Broadkill River watershed **shall be reduced by 40 percent** from the 2002-2003 baseline level. This shall result in a yearly-average total nitrogen load of 2224.2 pounds per day.

Article 5. The **nonpoint** source **phosphorous load** in the entire Broadkill River watershed shall be **reduced by 40 percent** from the 2002-2003 baseline level. This shall result in a yearly-average total phosphorus load of 94.7 pounds per day.

Article 6. The **nonpoint** source **enterococcus bacteria** load in the entire Broadkill River watershed shall be **reduced by 75 percent** from the 2002-2003 baseline level. This shall result in a yearly-average *enterococcus* bacteria load of 1.0E+11 CFU per day.

Article 7. Based upon water quality model runs and assuming implementation of reductions identified by Article 1 through Article 6 above, DNREC has determined that, with an adequate margin of safety, water quality standards will be met in the Broadkill River.

Article 8. Implementation of this TMDLs Regulation shall be achieved through the development and implementation of a Pollution Control Strategy. The Strategy will be developed by DNREC in concert with the Tributary Action Teams, other stakeholders, and the public.

Regulations for Live Holding Area Run-off

Outfall 002

Monitoring requirements and limits have been added for Outfall 002. The requirements are based on:

- 40 CFR §432, Federal “Effluent Limitations Guidelines” (ELGs) for the “Meat And Poultry Products Point Source Category, Subpart K – Poultry First Processing”:

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Ammonia (as N)	8.0	4.0
BOD ₅	26	16
Fecal Coliform*	(²)	(³)
O&G (as HEM)	14	8.0
TSS	30	20
Total Nitrogen	147	103
Notes: ¹ mg/L (ppm). ² Maximum of 400 MPN or CFU per 100 mL at any time. ³ No maximum monthly average limitation. * Instead of “fecal coliform”, the limit is based on the more stringent <u>DeSWQS</u> (page 20, §4.6.1.1) requirements for enterococcus for “primary contact recreation fresh waters”.		

- State of Delaware “Regulations Governing the Control of Water Pollution” (RGCWP):
 - Section 9.1, “Regulations Governing Storm Water Discharges Associated with Industrial Activity”.
 - Section 3.2, “Prohibitions” of discharge of any pollutant from a point source into the surface or ground water.

This permit was last re-issued on 5/20/2004. The final Poultry ELG promulgation in the Federal Register, 69 FR 54541, was on 9/8/2004. Federal ELG’s under 40CFR 432 apply to process wastewater from poultry processing wastewater. Most of MountAire’s “process wastewater” goes to the Town of Selbyville WWTF for treatment, and is then pumped into a combined discharge with the South Coastal Regional WWTF, via their ocean diffuser. However, several sections of the 9/8/2004 §432 ELG’s specifically define any water (eg., stormwater run-off, wash-down water, etc.) from “animal holding areas” as “process wastewater”. Water from this area currently discharges via Outfall 002 to a swale.

Further, the promulgation of the Federal Regulations under 40CFR §432, “Subpart K – Poultry First Processing” requires and provides, in relevant part:

"New and reissued NPDES permits to direct dischargers must include these effluent limitations, and the permits must require immediate compliance with such limitations. If the permitting authority wishes to provide a compliance schedule, it must do so through an enforcement mechanism."^[1]

Some reasonable time allowance will be needed for the facility to design and construct the improvements that will be necessary to meet the new limits for Outfall 002. Consequently, the re-issued permit will show limits that are effective as of the permit effective date, but the permit will have a companion "Notice of Conciliation and Secretary's Order" that allows up to three years for the permittee to achieve compliance with those limits.

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From: Davis Glenn F. (DNREC)
Sent: Thursday, September 08, 2011 11:00 AM
To: Underwood Robert (DNREC); Defriece John R. (DNREC); Janiga Paul J. (DNREC)
Subject: RE: Allen's Family Foods/Harim

We have had some ongoing concerns with Outfalls 002 & 003 that convey storm water. Both outfalls have sumps and pumps to pump the storm water to the WWTP. Problems evolve during heavy rain events and they cannot confirm that all storm water was pumped back to the WWTP and that no storm water left the site. These two outfalls get most of their storm water runoff from the live hold area, and the runoff can be extremely high in BOD and nutrients. The area around the live hold area is not blacktopped and is stone/crush run. We have been trying to get this area and the storm water concerns fixed for several years, with minimal success. Recently, they did have a confirmed discharge from 003 (?) but were unable (due to safety problems) to get a sample. This is another item on my "hit list" to get some resolution.

As for expanding operations at the chicken processing . . . the WWTP is barely able to keep up with what they were getting. When processing increased their "Bird Count", the WWTP did struggle. Any discussion about significant production increases should be met with some concern. The WWTP could use some upgrades, as they are constantly fighting to keep things in good operating order.

I would be very happy to meet with anyone to discuss this further . . . but I do have some serious concerns on some of these issues going forward.

Thank you

Glenn F. Davis
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From: Underwood Robert (DNREC)
Sent: Thursday, September 08, 2011 10:33 AM
To: Davis Glenn F. (DNREC); Defriece John R. (DNREC); Janiga Paul J. (DNREC)
Subject: FW: Allen's Family Foods/Harim

Thoughts? I'd like to get a reply back to Jen and Dave as soon as possible but would like to ensure I include your comments/concerns.

Rob

From: Bothell Jennifer M. (DNREC)
Sent: Thursday, September 08, 2011 9:00 AM
To: Marker Nancy C. (DNREC); Underwood Robert (DNREC); Foster Paul (DNREC); Rutherford Jamie H. (DNREC); Faedtke James (DNREC)
Cc: Crofts Marjorie A. (DNREC); Mirzakhali Ali (DNREC); Stiller Kathleen M. (DNREC); Piorko Frank M. (DNREC); Emory Patrick J. (DNREC)
Subject: Allen's Family Foods/Harim

Good morning everyone...Dave Small has asked that I check with your programs regarding any current or potential compliance concerns with Allen's Family Foods/Harim facilities. He also asked if any programs would have concerns if the facilities were to expand operations and if the permit transfer processes are going smoothly.

Dave is meeting with the company on Monday evening, so please have any concerns/issues/comments back to me by noon on Monday. Thank you! Jenny.

Jennifer M. Bothell
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^[1] May 8, 2004 Federal Register, Volume 69, page 54536, Part XII.A.1. See <http://www.gpo.gov/fdsys/pkg/FR-2004-09-08/pdf/04-12017.pdf>.

